

Hamilton County Board of Zoning Appeals - North District

May 18, 2004

Mr. Kirby called the official meeting of the Hamilton County Board of Zoning Appeals - North District to order at 8:12 p.m.

Members Present: Tim Clark, Frank Habig, Ron Hall, Kristin Johnson, and Gerald Kirby. Also present: Randy Leerkamp, Legal Counsel; and Linda Burdett, Secretary.

Declaration of Quorum: Mr. Kirby declared a quorum with five out of five members present.

Guests: See guest sheet.

Communications/Reports: None to present.

Approval of Minutes: Mr. Kirby asked if everyone received the minutes for April 20, 2004. Is there a motion to approve?

Mr. Clark asked about the comments regarding "the weekend use only" for the show grounds on page 5, second line from the bottom. I don't think we restricted that to weekends only.

Mr. Kirby and Mrs. Johnson stated that the petition was not restricted.

Mr. Clark stated that also where they voted on the petition for the addition... it reads "1 yes votes... 0 no votes." I think we had 4 no votes.

Mr. Hall stated he thought the comments on page 5 were part of the discussion. That did not end up being part of the condition. On the top of page 5... where you have "a merging", I think I said "emerging."

Mr. Hall **moved to approve as corrected**

Mr. Habig seconded.

With no further corrections... Mr. Kirby called for the vote. **5 yes votes... 0 no votes.**

New Business: Mr. Kirby moved on to **NBZA-RV-0006-05-2004** concerning allowing the reduction of a parcel size from the required 10 acres to 8.5 acres.

Milan Blaho, of 10631 East 234th Street, stated his name and address for the record. We currently own 72 acres in that location with the two parcels being contiguous. At the time we purchased the parcel, some 13 years ago, we felt it was wise to break it up into two parcels to presumably permit us an easy way to sell the farm as we approached retirement. When one looks at the property and sees the terrain there is a creek bed or drainage ditch which runs behind the house and barn and behind that is a steep slope or ridge rising perhaps 12 to 15 ft. in grade and that is all heavily wooded. Beyond that is more farm ground. The eye tells the beholder that that must be the back property line. If one accepts that then that happens to be the 8.5

acres.

Mr. Hall stated that along the southeast portion of the larger parcel looks like some kind of irregularities in the land there. (2) Is that like what you have out front? (3) Would the parcel that is to be split off... would that be contiguous with the outside of the flood plain line? (4) Just to the southwest of your residence there appears to be some kind of an improvement.

Mr. Blaho stated that that was trees. (2) Correct. (3) I think the flood plain line coincides with my proposal. If it does not... I intend that it be the further, the larger of the two. Either the flood plain line or the top of the ridge which corresponds to a fence line and the timbered portion of the ridge. (4) At the time the aerial was taken there was a temporary, plastic greenhouse structure. That was removed about four to five years ago.

Mr. Clark asked if someone built back there wouldn't the houses show.

Mr. Blaho answered... not during the summertime.

Mr. Hall asked if there was any hardship in continuing to use the property as agricultural / large lot residential.

Mr. Blaho stated that the hardship would come when they tried to sell the two parcels. Certainly it is not a hardship to us as long as we live there. Our intent is to put the farm on the market sooner rather than later.

Mr. Kirby asked Mr. Blaho if he planned to include the 2.9 acres with the farm when he put it on the market.

Mr. Blaho answered that he would like to. Certainly if the variance is granted we would. I can't imagine if someone were to subdivide that farm ground in the future that they would come in and remove all the evergreens.

After minimal comments... Mr. Kirby opened the hearing to the public at 8:31 p.m. And with no one stepping forward to address the board... Mr. Kirby closed the public portion of the hearing at 8:31 p.m.

Mr. Hall **moved to approve** as presented.

Mr. Habig seconded.

Mr. Habig stated that with the open ditch there we are looking at the sale of two different pieces of property. I would hate to see someone come in there on that 10 acres and the 2.9 acres being not very well maintained.

Mr. Hall stated that it made a lot of logical sense to follow that line particularly since you now have two distinct land uses on each side of the drainage ditch.

Mr. Clark stated he didn't see a problem with doing that.

After minimal comments... Mr. Kirby called for the vote. **5 yes votes... 0 no votes.**

The meeting continued with... **NBZA-LUV-0007-04-2004** concerning the establishment of a commercial retail horse tack business within an A-2 Zone District. We will also hear **NBZA-RV-0008-05-2004** concerning not having to install paving materials, curbs, nor landscape in the proposed gravel parking lot.

Debbie Deverick, of 170 Peach Lane, Noblesville, stated her name and address for the record. I am here tonight to request a zoning variance to convert a residence to a retail horse tack store. The property is located across the street from the Strawtown sale barn. Hamilton County ranks 9th in the state for horse ownership yet Hamilton County does not have a full service tack store. Any horse owner in Hamilton County must leave the county to find a full service tack store or even worse buy their products over the internet. Horse Sense Tack will bring in valuable tax dollars and will provide a valuable service to the residents of Hamilton County. We will be open on both Saturdays and Sundays. Store hours on the weekend will be 10:00 a.m. to 6:00 p.m. except on Saturdays when the Strawtown sale barn has their horse sales and then we will close at 4:00 p.m. Weekdays we will be open from Tuesday to Friday from 11:00 a.m. to 7:00 p.m. The farmhouse will require only minor changes to the inside. Besides cosmetic changes we would make the bathroom handicap accessible. The main floor of the house will be the only portion of the house used for the store. Outside the house we would add a handicap parking space with a ramp to the store entrance to meet ADA code requirements. We will also add additional parking spaces in the back of the store. The driveway is gravel and there is an existing turn lane onto the property. The landscaping would be upgraded and a sign on the street would be added. Also there will be a sign outside the store's main entrance. None of these changes will make any major change to the current appearance of the house or land. All the changes will be done so that at some future date we can return the house to a residence.

Mr. Habig asked Ms. Deverick if anyone would be living in the house. (2) So the upstairs would be used for office space and storage?

Ms. Deverick answered no. (2) Storage.

Mr. Hall asked Ms. Deverick if the house was being used as a residence right now. (2) This is a working horse farm, where does that business activity occur right now? (3) Is there a farm office location right now?

Ms. Deverick stated that it had been in the past. Right now... it is empty. (2) There are eight barn on the farm that are rented. They can give lessons in the arena. (3) No.

Mr. Clark asked Ms. Deverick if she had addressed the sewage problem of converting this to a commercial use. Have you checked with the state?

Dennis Downey, of 6953 West 600 North, Frankton, Indiana, stated his name and address for the record. I am a licensed installer and I'm licensed in five counties. I have checked out the septic as a residential septic. It is working up to code specifications. There are no problems with it. No sewage leakage whatsoever.

Mr. Clark asked if the state approved it.

Mr. Downey stated they haven't talked to the state. There should actually be less usage on the septic system with it being used as a store rather than a residence.

Mr. Habig asked if there was any signage up right now.

Ms. Deverick stated that there is a place for a sign which advertises the name of the farm but right now it's empty.

Mr. Kirby asked Ms. Deverick if she added a sign would it be added on with the sign that was there.

Ms. Deverick answered no. I would have to put the sign in front of the store.

Mrs. Johnson asked how many vehicles she could comfortably park around that location. (2) Do you feel that you have enough available parking?

Ms. Deverick answered there would be parking spaces for ten but there are additional parking spaces up the drive. (2) Yes.

After minimal comments... Mr. Kirby opened the hearing to the public at 8:47 p.m. and with no one stepping forward to address the board... Mr. Kirby closed the public portion of the hearing at 8:47 p.m.

Mr. Leerkamp advised the board that the Plan Commission did review this use and by a vote of 8 to 0 gave a positive recommendation to the BZA.

Mr. Habig **moved to approve** the Land Use Variance as submitted.

Mrs. Johnson seconded.

Mr. Habig stated he feels it fits pretty well with what's already there.

Mr. Kirby stated he had no problem with it. I think it would add a great deal to the horse people out there to have a place to go in and get supplies.

Mrs. Johnson agreed.

Mr. Hall stated that he felt we wanted to encourage businesses and industries that support the horse industry because that appears to be an emerging development use.

With no further comments... Mr. Kirby called for the vote. **5 yes votes... 0 no votes.**

Mr. Kirby then identified **NBZA-RV-0008-05-04** and opened this petition to the public at 8:51 p.m for anyone wishing to make a comment. And with no one stepping forward to address the board... Mr. Kirby closed the public portion of the hearing at 8:52 p.m.

Mr. Clark move to grant the variance.

Mr. Clark stated that he didn't think there would be enough traffic to cause a problem. I think it is more rural. I think there is a lot of run-off from paved parking lots.

Mr. Kirby seconded.

Mr. Hall stated that with respect to a horse facility here... this is appropriate.

After minimal comments... Mr. Kirby called for the vote. 5 yes votes... 0 no votes.

Old Business: None to present.

Director's Report: Nothing to present.

Legal Counsel Report: Nothing to present.

The next North BZA meeting will be held June 15, 2004.

With nothing further to come before the board... Mr. Clark moved to adjourn.

Mr. Hall seconded.

With no further comments... Mr. Kirby called for the vote. 5 yes votes... 0 no votes.

Meeting adjourned at 9:00 p.m.

Gerald Kirby, Chairman

Date

Linda Burdett, Secretary

Date